THE HON'BLE SRI JUSTICE C.V. RAMULU

Writ Petition No.12261 of 2007

Dated: 13.12.2007

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Between

P.Prasad.

Petitioner

And

The Government of A.P. and others.

Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

Writ Petition No.12261 of 2007

ORDER:

This writ petition is filed seeking a writ of Certiorari, to call for the records relating to issuance of G.O.Ms.No.21, Education (SE.Veg(1)) Department, dated 06.03.2007 and proceedings in Memo No.5605/Vig. (1)/2002-17, dated 06.03.2007 by the 1st respondent and the impugned proceedings of the 4th respondent, dated 12.05.2007, and to quash the same as illegal and arbitrary.

It appears, the first respondent conducted enquiry into the purported manipulation and fabrication of records by the petitioner and thereafter, issued G.O.Ms.No.21, dated 06.03.2007, directing the 4th respondent to cancel the regularization of appointment made in favour of the petitioner earlier in G.O.Ms.No.92, dated 03.12.1999; and

in pursuance of the said G.O., the impugned proceedings, dated 12.05.2007 were issued, terminating the services of the petitioner with effect from 12.05.2007.

It is the contention of the petitioner that the 4th respondent has neither conducted enquiry as to the purported manipulation and fabrication of the records by him nor issued the impugned proceedings dated 12.05.2007, after putting him on notice. Insofar as the first respondent is concerned, while issuing G.O.Ms.No.21, dated 06.03.2007, except putting the petitioner on notice, no detailed enquiry was conducted. Apart from that, though there was a direction from the 1st respondent to terminate the services of the petitioner, the 4th respondent did not put him on notice and directly terminated his services on 12.05.2007. This allegation made by the petitioner is not disputed by the respondents, in their counter affidavit. Thus, it is clear that while issuing G.O.Ms.No.21, dated 06.03.2007, the petitioner was not heard. Further, the 4th respondent also issued the impugned proceedings, dated 12.05.2007, without putting the petitioner on notice.

Under those circumstances, I am of the opinion that the impugned proceedings issued by the respondents are in gross violation of principles of natural justice. On this ground alone, the impugned proceedings are liable to be set aside.

Accordingly, the writ petition is allowed and the impugned proceedings are set aside. However, the

respondents are at liberty to take appropriate action as available under law and pass orders, after putting the petitioner on notice and hearing him personally, if necessary. There shall be no order as to costs.

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13.12.2007

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THE HON'BLE SRI JUSTICE C.V. RAMULU

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